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BEFORE THE  
SURFACE TRANSPORTATION BOARD

STB Docket No. 1043 (Sub-No. 1)

ENTERED  
Office of Proceedings

MAR 26 2010

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Public Record

**MONTREAL, MAINE & ATLANTIC RY., LTD.**

**- DISCONTINUANCE OF SERVICE AND ABANDONMENT -  
IN AROOSTOOK AND PENOBSCOT COUNTIES, MAINE**

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**RESPONSE OF STATE OF MAINE, DEPARTMENT OF TRANSPORTATION  
TO REPLY OF MONTREAL MAINE & ATLANTIC RAILWAY, LTD.  
TO MOTION FOR EXTENSION OF FILING DEADLINES**

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Dated: March 26, 2010

Attorneys for State of Maine, Department of  
Transportation

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SURFACE TRANSPORTATION BOARD  
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1. The State of Maine, by and through its Department of Transportation ("State"), hereby responds to the Reply of Montreal, Maine & Atlantic Railway, Ltd. for the limited purposes of address the problem of the requested hi-rail inspection being granted the week before comments and protests are scheduled to be submitted.<sup>1</sup> Applicant does not deny that it has not granted State or its consultant the right to inspect the tracks until just before the filings are due. Reply, ¶5. Saying that the inspection is only important for OFA purposes, ignores several important factors. First it is important to note that the inspection is not only relevant to net liquidation value and OFA's, but that it is also relevant to the condition of the lines, claimed needs for rehabilitation and maintenance, claimed slow orders, and additional factors that directly relate to Applicant's calculations of costs and losses. Further, NLV is relevant not only in the OFA process, but also is the basis for Applicant's calculation of opportunity costs. Application, Public Version MMA 12, HC Version MMA 11-12. Finally, Applicant conveniently ignores that if State's consultant and other personnel

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<sup>1</sup> State acknowledges that the Board's regulations generally do not provide for a reply to a reply. However, the Board has allowed such replies when necessary to have a complete record.

are hi-railing the lines, they will not be able to work on their anticipated verified statements at the same time. Accordingly, State renews its request for extension of the filing deadlines.

WHEREFORE, the State of Maine, by and through its Department of Transportation, requests that the Board extend the filing deadlines for a period of twenty-one (21) days as requested above.

Respectfully submitted,

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Dated: March 26, 2010

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## CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, I served a copy of the foregoing Resposne on the following by e-mail or by U.S. mail, postage prepaid:

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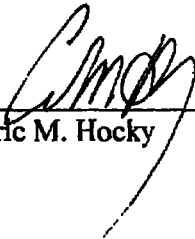
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